

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57599 of 2023

Arising Out of PS. Case No.-20 Year-2010 Thana- BALUA BAZAR District- Supaul

1. MAHMUDUL HASSAN @ SAIKH ALAM @ SHEIKH ALAM SON OF LATE AYUB RESIDENT OF VILLAGE - MADHUBANI, P.O., P.S. AND DISTRICT - SUPAUL
2. SHAHID ABDULLAH SON OF MAHMUDUL HASSAN @ SAIKH ALAM @ SHEIKH ALAM RESIDENT OF WARD NO.07, MADHUBANI, P.O., P.S. AND DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Ms. Riya Giri, Advocate Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-09-2023 Heard learned counsel for the parties.

2. This application for anticipatory bail arises out of Balua Bazar P.S. Case No.20/2010, disclosing the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The FIR was registered against unknown. It appears that during the course of investigation, the names of these petitioners had surfaced and apprehending their arrest in connection with the case, they had approached this Court for grant of anticipatory bail which was dismissed as not pressed by



an order dated 28.08.2015. Subsequently, the Crime Investigation Department (CID), Government of Bihar which was investigating the case, submitted its final report. The petitioners were not sent up for trial. Further, the court of learned S.D.J.M., Supaul differing with the final report submitted by the CID took cognizance of the offences and issued summons to these petitioners. Subsequently, bailable warrant of arrest was issued by learned Chief Judicial Magistrate, 1st Class which gave cause of action for the petitioners to approach this Court again for grant of anticipatory bail.

4. Mr. Asish Giri, learned counsel appearing on behalf of the petitioners has argued that similarly circumstanced co-accused, namely, Muzaffar Hussain has been allowed privilege of anticipatory bail by an order dated 27.11.2019 passed in Cr. Miscellaneous No. 27648 of 2018. He further submits that no tangible purpose shall be served, if the petitioners are now taken into custody in the wake of the fact that the investigation is complete and there is no chance of the petitioners fleeing from the course of inquiry/trial.

5. Considering the submission that the investigating agency did not file chargesheet against these petitioners in the



absence of any evidence collected against them, this application is allowed.

6. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Balua Bazar P.S. Case No. 20/2010, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Suraj/Rajesh-

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